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PTO/SB/33 (08-08)
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U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

PRE-APPEAL BRIEF REQUEST FOR REVIEW		Docket Number (Optional) SON-2973	
	Application Number 10/810,599-Conf. #9712	Filed March 29, 2004	
	First Named Inventor Fumio Nakajima		
	Art Unit 2622	Examiner A. H. Cutler	
<p>Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.</p> <p>This request is being filed with a notice of appeal.</p> <p>The review is requested for the reason(s) stated on the attached sheet(s). Note: No more than five (5) pages may be provided.</p> <p>I am the</p> <p><input type="checkbox"/> applicant /inventor.</p> <p><input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)</p> <p><input checked="" type="checkbox"/> attorney or agent of record. Registration number <u>40,290 - 24,104</u></p> <p><input type="checkbox"/> attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34. _____</p> <div style="text-align: right;"> _____ Signature <u>Christopher M. Tobin - Ronald P. Kananen</u> Typed or printed name _____ (202) 955-3750 Telephone number _____ August 7, 2008 Date</div>			
<p>NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.</p> <p><input type="checkbox"/> *Total of <u>1</u> forms are submitted.</p>			



Docket No.: SON-2973
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Fumio Nakajima

Confirmation No.: 9712

Application No.: 10/810,599

Art Unit: 2622

Filed: March 29, 2004

Examiner: A. H. Cutler

For: GAMMA CORRECTION DEVICE IN IMAGE
CAPTURING APPARATUS

REQUEST FOR PRE-APPEAL BRIEF PANEL REVIEW

MS AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Examiner and/or Reviewer:

This request for Pre-Appeal Panel Review is in response to the Advisory Action of July 25, 2008. In response to the Final Office Action dated April 9, 2008, Applicant submitted an Amendment After Final cancelling claims 10, 13, 15, 17-22, 28 and 29 without prejudice. Claims 1, 4, 9, 12, 16, 25, and 28 were amended. In particular, claim 1 was amended to incorporate the features previously recited in dependent claim 15 and claim 4 was amended to incorporate the features previously recited in dependent claim 28.

In the Advisory Action, entry of the amendment was denied as allegedly raising new issues. Applicant objects to this denial, as the Amendment merely sought to incorporate previously presented dependent claims verbatim into the respective independent claims from which they depended, and also clearly placed the application in condition for allowance.



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<input type="checkbox"/> *Total of <u>1</u> forms are submitted.			

Regardless, in light of the denied entry of the amendment, Applicant now requests reconsideration and reversal of the rejection of dependent claims 15 and 28. Upon reversal of the rejection of these claims, Applicant requests entry of the Amendment After Final, and immediate allowance of the application.

Claims 15 and 28 were rejected under 35 U.S.C. § 112, first paragraph, as allegedly failing to comply with the written description requirement. This rejection is respectfully traversed.

Claim 15 recites “wherein said at least one correction curve is of the form $Signal_{OUT} = a * \log_{10}(Signal_{IN} + b) + c$.” The Final Office Action alleged that these features recited new matter. However, these claimed features are clearly represented in the specification as filed. For example, FIG. 3 is a graph illustrating such features, and three specific examples of the same equation for the corresponding curve are provided in paragraphs [0038]-[0041] of the specification as filed (as represented in U.S. Pub. 2004/0196394 A1).

Claim 28 recites similar features. These features are clearly represented in Applicant’s specification as filed for similar reasons, except that the claimed features in this set of claims is clearly represented in the graph of FIG. 4 and examples of the equation are found in paragraphs [0044]-[0048] of the specification as filed.

Accordingly, Applicant respectfully requests reconsideration and withdrawal of the rejection of claims 15 and 28 under 35 U.S.C. § 112, first paragraph, as allegedly failing to comply with the written description requirement.

There are no other grounds of rejection for claims 15 and 28. Accordingly, Applicant respectfully requests that the implicit allowability of these claims be made explicit in the next paper.

Nevertheless, for the record, Applicant also notes that these claims are clearly distinct from the relied-upon references. Specifically, regarding these claims, the relied-upon references do not disclose or suggest the claimed type of gamma curve, wherein the input is a video signal and the corrected video signal conforms to *film* properties. The Examiner has referenced the REC 709 curve in FIG. 6.6 of the Poynton reference. However, this curve clearly corresponds to video, not film. The reference thus fails to disclose or suggest *wherein said at least one correction curve has a*

slope of 5.0 or less at the origin such that a corrected video signal conforms to film properties, as claimed by Applicant.

Moreover, Poynton clearly fails to disclose or suggest the gently rising logarithmic curve recited in Applicant's claim 15. Specifically, there is no disclosure or suggestion in Poynton of "wherein said at least one correction curve is of the form $Signal_{OUT} = a * \log_{10}(Signal_{IN} + b) + c$," as claimed by Applicant. In fact, Poynton is specifically described as an exponential function, as noted by the Examiner.

Claim 28 is also neither disclosed nor suggested by Poynton. As noted regarding claim 1, Poynton does not disclose the claimed type of gamma curve, wherein the input is a video signal and a particular type of correction curve produces a corrected video signal conforming to *film* properties. Claim 28 also further specifies "a second correction curve segment lying above the predetermined level of the input signal such that the corrected video signal conforms to film properties, and both correction curve segments are continuously combined and have the same slope at the predetermined level of the input signal, and wherein said second correction curve segment is of the form $Signal_{OUT} = a * \log_{10}(Signal_{IN} + b) + c$," as claimed by Applicant. The exponential power function cited by the Examiner is clearly not an example of the particular logarithmic curve segment used for the second correction curve segment.

Additionally, it is noted that the entire curve in FIG. 6.6 of Poynton is specifically described as the transfer function defined by REC 709. (Poynton, p. 102). Accordingly, it is entirely a video signal transfer function, and not a transfer function for confirming a video signal to film properties. In any event, it is clear that the transfer function is not a combination of first and second segments wherein at least the second segment is the particular logarithmic curve segment claimed by Applicant.

Accordingly, Applicant respectfully requests reversal of the rejection of claims 15 and 28 under 35 U.S.C. § 112, first paragraph, indication that claims 15 and 28 recite allowable subject matter, entry of the previously presented Amendment After Final, and immediate allowance of this application.

Dated: August 7, 2008

Respectfully submitted,

By  40,290

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